

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

LIVING FOR LIFE, LLC,

Plaintiff,

v.

STATE FARM FIRE AND CASUALTY
COMPANY,

Defendant.

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Civil Action No. _____

NOTICE OF REMOVAL

Defendant State Farm Fire and Casualty Company (“State Farm”), pursuant to 28 U.S.C. § 1441, files this Notice of Removal to remove this civil action from the Circuit Court for Knox County, Tennessee, to the United States District Court for the Eastern District of Tennessee, Knoxville Division. In support of this Notice of Removal, State Farm states:

I. REMOVAL IS TIMELY

1. Plaintiff initiated this case by filing a Complaint with the Circuit Court for Knox County on April 9, 2013. (See Compl. (copy included with Ex. A).) Plaintiff served the Complaint and Summons through the Tennessee Department of Commerce and Insurance (“Department”), which received the material on April 12, 2013. (See Ex. A.) State Farm received the Complaint and Summons from the Department on April 17, 2013. (See id.)

2. State Farm files this Notice of Removal within thirty (30) days of service or receipt of the Complaint. Therefore, this Notice of Removal is timely under 28 U.S.C. § 1446(b).

II. THIS COURT HAS DIVERSITY JURISDICTION

3. Plaintiff Living for Life, LLC is a Tennessee limited liability company. (Compl. ¶ 1; Ex. B.) Plaintiff's principal place of business is in Knoxville, Tennessee. (See Ex. B.)

4. State Farm is an Illinois corporation with its principal place of business in Bloomington, Illinois. (Compl. ¶ 2.) State Farm is not a corporate citizen of Tennessee.

5. Complete diversity of citizenship exists between Plaintiff and State Farm for purposes of this Court's exercise of original jurisdiction under 28 U.S.C. § 1332.

6. Plaintiff claims damages against State Farm under the provisions of an insurance policy "in an amount not less than \$75,000.00." (Compl. Prayer for Relief 4.) In addition, Plaintiff asserts a claim under Tennessee's bad faith statute, Tenn. Code Ann. § 56-7-105, and requests a 25% bad faith penalty. (Compl. Prayer for Relief 3.) The allegations in the Complaint evidence that more than \$75,000.00, exclusive of interest and costs, is in controversy.

III. THIS NOTICE OF REMOVAL IS PROCEDURALLY CORRECT

7. Pursuant to 28 U.S.C. § 1446(a), State Farm is attaching to this Notice of Removal a copy of the complete state court record from the Circuit Court for Knox County, Tennessee. (See Ex. A.)

8. The state court from which this action is removed—Circuit Court for Knox County, Tennessee—is within this Court's federal district and division. Therefore, venue is proper in this Court pursuant to 28 U.S.C. § 1441(a).

9. State Farm will promptly provide written notice of the removal of this action to Plaintiff and the Circuit Court for Knox County by filing a Notice of Filing Notice of Removal, together with a copy of this Notice of Removal, and by serving the same on counsel for Plaintiff, as provided under 28 U.S.C. § 1446(d).

WHEREFORE, based upon the foregoing, State Farm removes this action from the Circuit Court for Knox County, Tennessee, to the United States District Court for the Eastern District of Tennessee, Knoxville Division.

Respectfully submitted,

s/ Chad E. Wallace (BPR No. 021741)
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*Attorney for Defendant State Farm
Fire and Casualty Company*

CERTIFICATE OF SERVICE

I hereby certify that I have on May 10, 2013, caused a copy of the foregoing to be filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

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s/ Chad E. Wallace (BPR No. 021741)
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